

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Michael E. Gans
Clerk of Court

VOICE (314) 244-2400
FAX (314) 244-2780
www.ca8.uscourts.gov

August 16, 2021

Ms. Laura Lensing Calhoun
HODGE & CALHOUN
711 W. Third Street
Little Rock, AR 72201

4:17-cr-00293-46-BSM

RE: 21-2824 United States v. James Oliver

Dear Counsel:

The district court has transmitted a notice of appeal and docket entries in this criminal matter, and we have docketed them under the caption and case number shown above. This appeal has also been consolidated with case no. 21-2299 for the purpose of setting a consolidated briefing schedule. Please include the caption and the case number on all correspondence or pleadings submitted to the court.

Counsel in the case must supply the clerk with an Appearance Form. Counsel may download or fill out an [Appearance Form](#) on the "Forms" page on our web site at www.ca8.uscourts.gov.

You will receive a CJA appointment through the eVoucher electronic system with a login and password. Your duties as counsel are defined by Eighth Circuit Rule 27B and Eighth Circuit's Plan to Expedite Criminal Appeals. Please review these materials which are on the ["Rules and Procedures"](#) page of our web site.

Instructions for preparing vouchers for payment may be found on the court's website at www.ca8.uscourts.gov/cja-information and from the links in the eVoucher program. Submission of paper vouchers is not allowed. Vouchers should be submitted after the court issues its mandate at the close of the case.

Appointments are personal and cannot be delegated without the court's approval. If you have any questions about your appointment or the CJA voucher process, please contact this office.

The court has established a briefing schedule for the case, a copy of which will be forwarded under separate notice of docket activity. Please review the schedule and note the key filing dates. You should also review Federal Rules of Appellate Procedure 28 and 32, as well as Eighth Circuit Rules 28A and 32A. Useful information about briefing and the record on appeal can be found at these links:

media.ca8.uscourts.gov/newcoa/notes/redactcr-egov.pdf
media.ca8.uscourts.gov/newcoa/forms/crbchck.pdf
media.ca8.uscourts.gov/newcoa/forms/crrecord.pdf

Please note that the court has eliminated the requirement for a clerk's record in criminal appeals, effective January 1, 2013. Record references to the district record made in pleadings and briefs filed in this court must be to the district court docket. For example, if the motion to suppress is district court docket number 11 and a party wishes to reference page 7 of the motion to suppress, the reference in the brief should be in the format: (DCD 11, at p.7). Transcript references should be to Volume and page number (TR., Vol. 1, p. 123). Exhibit references should be to the exhibit label attached in the district court proceedings: (Government Exh. 1, page 3; Defense Exh. C, page 4). References to the Presentence Investigation Report should be to page number: (PSR, p.17). Additional information should be provided whenever it is necessary to clearly identify a document and avoid confusion.

Paper copies of transcripts, Statements of Reasons, Presentence Investigation Reports and exhibits will be still forwarded from the district court to the circuit clerk's office, and counsel should check with the district court clerk's office to assure that all necessary materials are transmitted on a timely basis.

If a transcript will be required for the appeal, you should immediately contact the official court reporter and take steps to order the transcripts and arrange for payment for their production.

The court has directed the clerk's office to monitor and enforce compliance with the briefing schedule. Failure to meet the briefing deadlines will result in the issuance of an order to show cause and may lead to dismissal of the appeal, as well as the initiation of disciplinary proceedings. Requests for extensions of time must be filed on a timely basis and should establish good cause. Overlength briefs are strongly discouraged.

If you have any questions about the schedule or procedures for the case, please contact our office.

Michael E. Gans
Clerk of Court

AEV

Enclosure(s)

cc: Ms. Liza J. Brown
Ms. Kristin Huntington Bryant
Ms. Tammy H. Downs
Ms. Stephanie Mazzanti
Ms. Suzanne McKennon
Mr. James Scott Oliver

District Court/Agency Case Number(s): 4:17-cr-00293-BSM-46

Caption For Case Number: 21-2824

United States of America

Plaintiff - Appellee

v.

James Scott Oliver, also known as Scottie

Defendant - Appellant

Addresses For Case Participants: 21-2824

Ms. Laura Lensing Calhoun
HODGE & CALHOUN
711 W. Third Street
Little Rock, AR 72201

Ms. Liza J. Brown
U.S. ATTORNEY'S OFFICE
Eastern District of Arkansas
425 W. Capitol Avenue
P.O. BOX 1229
Little Rock, AR 72203

Ms. Kristin Huntington Bryant
U.S. ATTORNEY'S OFFICE
Eastern District of Arkansas
425 W. Capitol Avenue
P.O. BOX 1229
Little Rock, AR 72203

Ms. Tammy H. Downs
U.S. DISTRICT COURT
Eastern District of Arkansas
Room A149
600 W. Capitol Avenue
Little Rock, AR 72201-0000

Ms. Stephanie Mazzanti
U.S. ATTORNEY'S OFFICE
Eastern District of Arkansas
425 W. Capitol Avenue
P.O. BOX 1229
Little Rock, AR 72203

Ms. Suzanne McKennon
P.O. Box 7343
Little Rock, AR 72217

Mr. James Scott Oliver
POPE COUNTY DETENTION CENTER
168498
10 County Complex Circle
Russellville, AR 72802

21-2824 United States v. James Oliver

Eighth Circuit Court of Appeals

PRO SE Notice of Docket Activity

The following was filed on 08/16/2021

Case Name: United States v. James Oliver

Case Number: 21-2824

Docket Text:

CRIMINAL case docketed. [5065828] [21-2824]

The following document(s) are associated with this transaction:

Document Description: None

Notice will be mailed to:

Mr. James Scott Oliver
POPE COUNTY DETENTION CENTER
168498
10 County Complex Circle
Russellville, AR 72802

Notice will be electronically mailed to:

Ms. Liza J. Brown: Liza.Brown@usdoj.gov,
francesca.grant@usdoj.gov,stephanie.mazzanti@usdoj.gov,john.webster@usdoj.gov,leslie.bright
@usdoj.gov,caseview.ecf@usdoj.gov
Ms. Kristin Huntington Bryant: Kristin.Bryant@usdoj.gov,
christy.averett@usdoj.gov,stephanie.mazzanti@usdoj.gov,john.webster@usdoj.gov,leslie.bright
@usdoj.gov
Ms. Laura Lensing Calhoun: laura@hcglawoffice.com
Ms. Tammy H. Downs: ared_appeals@ared.uscourts.gov
Ms. Stephanie Mazzanti: Stephanie.Mazzanti@usdoj.gov,
christy.averett@usdoj.gov,john.webster@usdoj.gov,leslie.bright@usdoj.gov
Ms. Suzanne McKennon: Suzanne@ears2hands.com

From: ca08ml_cmcfc_notify@ca8.uscourts.gov
Subject: 21-2824 United States v. James Oliver "CRIMINAL case docketed" (4:17-cr-00293-BSM-46)
Date: Monday, August 16, 2021 11:28:30 AM

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

Eighth Circuit Court of Appeals

Notice of Docket Activity

The following transaction was filed on 08/16/2021

Case Name: United States v. James Oliver
Case Number: [21-2824](#)
Document(s): [Document\(s\)](#)

Docket Text:

CRIMINAL case docketed. [5065828] [21-2824] (Adrienne Vonder Haar)

Notice will be electronically mailed to:

Ms. Liza J. Brown, Assistant U.S. Attorney: Liza.Brown@usdoj.gov, francesca.grant@usdoj.gov, stephanie.mazzanti@usdoj.gov, john.webster@usdoj.gov, leslie.bright@usdoj.gov, caseview.ecf@usdoj.gov
 Ms. Kristin Huntington Bryant, Assistant U.S. Attorney: Kristin.Bryant@usdoj.gov, christy.averett@usdoj.gov, stephanie.mazzanti@usdoj.gov, john.webster@usdoj.gov, leslie.bright@usdoj.gov
 Ms. Laura Lensing Calhoun: laura@hcgclawoffice.com
 Ms. Tammy H. Downs, Clerk of Court: ared_appeals@ared.uscourts.gov
 Ms. Stephanie Mazzanti, Assistant U.S. Attorney: Stephanie.Mazzanti@usdoj.gov, christy.averett@usdoj.gov, john.webster@usdoj.gov, leslie.bright@usdoj.gov
 Ms. Suzanne McKennon, Court Reporter: Suzanne@ears2hands.com

Notice will be mailed to:

Mr. James Scott Oliver
 168498
 POPE COUNTY DETENTION CENTER
 10 County Complex Circle
 Russellville, AR 72802

The following document(s) are associated with this transaction:

Document Description: Criminal Fee Status Letter

Original Filename: /opt/ACECF/live/forms/AdrienneVonderHaar_212824_5065828_CriminalFeeStatusLetters_117.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1105112566 [Date=08/16/2021] [FileNumber=5065828-0]

[a010bf3cfce4fd0950e9ea67734f818aa55a3255a7a7c20cbc69e8f74762a42fbc0859a887bf8cc78ba09b045e17df0056b04214a76e66f4f77d163e80bcf386]]

Recipients:

- [Ms. Liza J. Brown, Assistant U.S. Attorney](#)
- [Ms. Kristin Huntington Bryant, Assistant U.S. Attorney](#)
- [Ms. Laura Lensing Calhoun](#)
- [Ms. Tammy H. Downs, Clerk of Court](#)
- [Ms. Stephanie Mazzanti, Assistant U.S. Attorney](#)
- [Ms. Suzanne McKennon, Court Reporter](#)
- [Mr. James Scott Oliver](#)

Document Description: ProSe NDA

Original Filename: /opt/ACECF/live/forms/AdrienneVonderHaar_212824_5065828_ProSeNDA_481.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1105112566 [Date=08/16/2021] [FileNumber=5065828-1]

[9b851a1f587dba7f7aab7ae48e5bb648b6cc66e70ba5e0fd23a9fc3721701b54337aa949923b1c827c2085444673880a7dfc8c6e196c5d58f9da32a9004a9520]]

Recipients:

- [Ms. Liza J. Brown, Assistant U.S. Attorney](#)
- [Ms. Kristin Huntington Bryant, Assistant U.S. Attorney](#)
- [Ms. Laura Lensing Calhoun](#)
- [Ms. Tammy H. Downs, Clerk of Court](#)
- [Ms. Stephanie Mazzanti, Assistant U.S. Attorney](#)
- [Ms. Suzanne McKennon, Court Reporter](#)
- [Mr. James Scott Oliver](#)

The following information is for the use of court personnel:

DOCKET ENTRY ID: 5065828

RELIEF(S) DOCKETED:

DOCKET PART(S) ADDED: 6829496, 6829497, 6829498

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

CONSOLIDATED CRIMINAL APPEAL BRIEFING SCHEDULE

Appeal No. 21-2299 United States v. Ralph Ross
21-2824 United States v. James Oliver

Date: August 16, 2021

Briefing in criminal appeals is governed by [Eighth Circuit's Plan to Expedite Criminal Appeals](#). Counsel should also review the provisions of [Eighth Circuit Rule 27B](#).

APPEAL REQUIREMENTS

1. On January 1, 2013, the court eliminated the clerk's record as the form for the record on appeal in criminal cases. Instead, the court will review the electronic version of the pleadings and orders maintained by the district court on its official docket. The remainder of the record materials required for appellate review of the case - transcripts, exhibits, Statements of Reasons, Presentence Investigation Reports and any other items not accessible from the electronic docket - will still be forwarded in paper format for the court's use. Dates are established for transmittal of these paper documents. Directions for citation to the district court electronic docket and other documents are provided in the docketing letter sent with this schedule. Failure to follow these citation directions may result in the rejection of your brief. Questions should be addressed to the circuit court clerk's office.
2. Please order any transcripts immediately. If the appeal is proceeding in forma pauperis, requests for and payments of transcripts shall be processed through the district court's eVoucher system.
3. If you were retained for the district court proceedings and the defendant is unable to bear the cost of the appeal, a motion for leave to proceed in forma pauperis should be filed with the district court. Counsel cannot be appointed and a transcript cannot be provided at government expense unless the defendant obtains IFP status.
4. As this case was tried in three days or less, the court reporter shall file the transcript within 21 days of filing the notice of appeal.
5. Review "Briefing Checklist" and "Pointers on Preparing Briefs" at: www.ca8.uscourts.gov/appeal-preparation-information . Please note appellant's brief must include a copy of the Judgment and Commitment Order in the Addendum.
6. The government must file a single brief in multiple-defendant appeals.

GENERAL INFORMATION

The following filing dates are established for the appeals. Dates are only extended upon the filing of a timely motion establishing good cause. An order extending the time for filing a brief also extends the filing date for the responding or replying party's brief. Filing dates can also be accelerated if a party files its brief before the due date. Please refer to FRAP 25, FRAP 26 and FRAP 31 for provisions governing filing and service. You may find the Federal and Eighth Circuit rules, as well as practice aids, at: www.ca8.uscourts.gov/rules-procedures.

FILING DATES:

Transcripts of minutes re: James Scott Oliver. **08/23/2021**
(Suzanne McKennon)

PSI Report for James Scott Oliver. **08/23/2021**

Appellant's Brief (with addendum). **09/07/2021**
(James Scott Oliver)

Appellee's Brief. **21 days from the date the court issues the**
Notice of Docket Activity filing the brief.

Appellants' Reply Brief. **7 days from the date the court issues the**
Notice of Docket Activity filing the brief.

**ALL BRIEFS AND APPENDICES SHOULD BE
 FILED WITH THE ST. LOUIS OFFICE**

United States Court of Appeals
For The Eighth Circuit
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St. Louis, Missouri 63102

Michael E. Gans
Clerk of Court

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FAX (314) 244-2780
www.ca8.uscourts.gov

August 16, 2021

Mr. Lee Deken Short
SHORT LAW FIRM
Suite A
425 W. Broadway
North Little Rock, AR 72114

RE: 21-2299 United States v. Ralph Ross

Dear Counsel,

Please be advised that your case has been consolidated with case number 21-2824 (United States v. James Oliver) for the purpose of setting a consolidated briefing schedule.

If you require additional information regarding this matter, please do not hesitate to contact our office.

Michael E. Gans
Clerk of Court

AEV

Enclosure(s)

cc: Ms. Liza J. Brown
Ms. Kristin Huntington Bryant
Ms. Laura Lensing Calhoun
Ms. Tammy H. Downs
Mr. Stephen W. Franklin
Ms. Stephanie Mazzanti
Ms. Suzanne McKennon
Mr. James Scott Oliver
Mr. Ralph A. Ross

District Court/Agency Case Number(s): 4:17-cr-00293-BSM-24

From: ca08ml_cmeef_notify@ca8.uscourts.gov
Subject: Re-send: 21-2299 United States v. Ralph Ross "Criminal 3 day briefing schedule" (4:17-cr-00293-BSM-24)
Date: Monday, August 16, 2021 11:49:36 AM

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Eighth Circuit Court of Appeals

Amended 08/16/2021 11:49:12: Notice of Docket Activity

The following transaction was filed on 08/16/2021

Case Name: United States v. Ralph Ross
Case Number: [21-2299](#)
Document(s): [Document\(s\)](#)

Docket Text:

CONSOLIDATED CRIMINAL BRIEFING SCHEDULE SET AS FOLLOWS: PSI report due 08/23/2021 for James Oliver. Transcript due 08/23/2021. Brief of appellant James Scott Oliver due 09/07/2021. Appellee(s) brief is due 21 days from the date the court issues the Notice of Docket Activity filing the appellant(s) brief. Appellants reply briefs are due 7 days from the date the court issues the Notice of Docket Activity filing the appellee's brief. [5065847] [21-2299, 21-2824] (Adrienne Vonder Haar)

Notice will be electronically mailed to:

Ms. Liza J. Brown, Assistant U.S. Attorney: Liza.Brown@usdoj.gov, francesca.grant@usdoj.gov, stephanie.mazzanti@usdoj.gov, john.webster@usdoj.gov, leslie.bright@usdoj.gov, caseview.ecf@usdoj.gov
 Ms. Kristin Huntington Bryant, Assistant U.S. Attorney: Kristin.Bryant@usdoj.gov, christy.averett@usdoj.gov, stephanie.mazzanti@usdoj.gov, john.webster@usdoj.gov, leslie.bright@usdoj.gov
 Ms. Laura Lensing Calhoun: laura@hcgclawoffice.com
 Ms. Tammy H. Downs, Clerk of Court: ared_appeals@ared.uscourts.gov
 Mr. Stephen W. Franklin: stephen_franklin@ared.uscourts.gov, sfranklinusdc@aol.com
 Ms. Stephanie Mazzanti, Assistant U.S. Attorney: Stephanie.Mazzanti@usdoj.gov, christy.averett@usdoj.gov, john.webster@usdoj.gov, leslie.bright@usdoj.gov
 Ms. Suzanne McKennon, Court Reporter: Suzanne@ears2hands.com
 Mr. Lee Deken Short: leedshort@gmail.com

Notice will be mailed to:

Mr. James Scott Oliver
 168498
 POPE COUNTY DETENTION CENTER
 10 County Complex Circle
 Russellville, AR 72802

Mr. Ralph A. Ross
 31681-009
 VAN BUREN COUNTY DETENTION CENTER
 P.O. Box 451
 Clinton, AR 72031-0451

The following document(s) are associated with this transaction:

Document Description: Briefing Schedule

Original Filename: /opt/ACECF/live/forms/AdrienneVonderHaar_212299_5065847_Criminal3DayBriefingSchedules_206.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1105112566 [Date=08/16/2021] [FileNumber=5065847-0]

[00b4ebc9cf067903acb847d9f2c0de8699274a7e0a4d7fb27df69f2bbe3675baed59e447d44ec698d679a51d90db742797c36c854108074f84b562a1d231eb3c]]

Recipients:

- [Ms. Liza J. Brown, Assistant U.S. Attorney](#)
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- [Ms. Tammy H. Downs, Clerk of Court](#)
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- [Ms. Stephanie Mazzanti, Assistant U.S. Attorney](#)
- [Ms. Suzanne McKennon, Court Reporter](#)
- [Mr. James Scott Oliver](#)
- [Mr. Ralph A. Ross](#)
- [Mr. Lee Deken Short](#)

Document Description: Letter From Clerk's Office

Original Filename: /opt/ACECF/live/forms/AdrienneVonderHaar_212299_5065847_BlankLetter_332.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1105112566 [Date=08/16/2021] [FileNumber=5065847-3]

[9bc95d7c35e85dd9fc798c56bc2ba856cc3745af33ff9e89617bab2c57f2e294025d7a55e6cf7896705433a568481401d7e1927ce0f400fad4ed47aeabbc9d07]]

Recipients:

- [Ms. Liza J. Brown, Assistant U.S. Attorney](#)

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- [Ms. Tammy H. Downs, Clerk of Court](#)
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- [Ms. Stephanie Mazzanti, Assistant U.S. Attorney](#)
- [Ms. Suzanne McKennon, Court Reporter](#)
- [Mr. James Scott Oliver](#)
- [Mr. Ralph A. Ross](#)
- [Mr. Lee Deken Short](#)

The following information is for the use of court personnel:

DOCKET ENTRY ID: 5065847

RELIEF(S) DOCKETED:

DOCKET PART(S) ADDED: 6829535, 6829538, 6829537